

IN THE

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

In the Matter of

WEBER TRUCKING & EQUIPMENT RENTAL, INC.,

Bankrupt.

In Bankruptcy No. 66-185

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## ORDER

At Honolulu, Hawaii, in said District, on the 18th day of September, 1967.

The Petition of Helen Weber, filed herein on April 27, 1967 for review of the Referee's approval of the compromise of the claim of the above named Bankrupt against J. P. Finan General Contractor, Inc. dated June 24, 1966, having come on regularly to be heard upon notice duly given to the parties herein on September 11 and 12, 1967 and the Trustee Ralph S. Aoki appearing by his attorney, Hiroshi Sakai, and Helen Weber appearing by her attorney, John Parks and J. P. Finan General Contractor, Inc. appearing by its attorney, Leslie T. Bennett and a hearing having been

held at which the record of the two hearings before the Referee on the Trustee's Petition for Leave to Compromise said claim was considered and the Court having considered said Petition and such record, the Findings of Fact and Conclusions of Law of said Referee, and the argument of counsel.

The Court finds that the counsel for the Petitioner Helen Weber was given every opportunity at the two hearings before the Referee to go into all of the details of the proposed compromise; that the Referee was satisfied that the compromise should be approved; that the Petitioner Helen Weber has the burden to show that the action of the Referee was clearly erronesou; that Petitioner has shown nothing and stated nothing to the Court to show that the action of the Referee was clearly erroneous; that the evidence before this Court and that which was before the Referee compels this Court to find that the Referee's conclusions based on his Finding of Facts were not completely erroneous, all as more fully set out in the oral Decision in the record herein.

IT IS THEREFORE, ADJUDGED, ORDERED AND DECREED:

1. That the Order of the Referee in approving the Trustee's Petition for Compromise on April 20, 1967 be and it hereby is affirmed.

2. That the Petition for Review filed

herein be and the same is hereby denied.

3. That the Motion for Dismissal of The Referee's Findings of Facts and Conclusions of Law filed herein on July 13, 1967 nunc pro tunc as of April 20, 1967 be and the same is hereby denied.

4. That the Trustee is directed forthwith to accept said compromise sum of $5,000.00 approved by the Referee and to enter into a stipulation for dismissal with prejudice of Civil No. 19448 in the First Judicial Circuit Court, State of Hawaii, Weber Trucking and Equipment Rental, Inc., Plaintiff vs. J. P. Finan General Contractor, Inc., Defendant, and Communications Satellite Corporation and First National Bank of Hawaii, Garnishees, and to release the Garnishees named therein.

DATED: Honolulu, Hawaii, this 18th day of September, 1967.

/s/ Martin Pence

DISTRICT JUDGE